## UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE At Cookeville

WAYNE E. SADLER,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:05-CV-00105
<b>v.</b>	)	JURY DEMAND
	)	Judge Haynes
TENNESSEE BOARD OF REGENTS,	)	Magistrate Brown
d.b.a. Tennessee Tech University,	)	C
	)	
Defendant.	)	

## DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant, Tennessee Board of Regents, d.b.a. Tennessee Tech University (hereinafter "TTU" or "Defendant") respectfully moves this Court for Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure. Based on the undisputed material facts and the record, Defendant is entitled to a judgment as a matter of law.

Plaintiff cannot present a *prima facie* case of disparate treatment or retaliation. Plaintiff cannot prove that he suffered an adverse employment action. Furthermore, Plaintiff cannot prove that he was similarly situated to employees who were not members of the protected class. Even if the Plaintiff had presented a *prima facie* case, Defendant has explained its legitimate and non-discriminatory reasons for any adverse employment action taken. It is unclear whether Plaintiff seeks to maintain a hostile work environment claim, but regardless, Plaintiff cannot present a *prima facie* case of such.

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In support of this Motion, Defendant files simultaneously herewith its (1) Memorandum in Support of Motion for Summary Judgment, (2) Statement of Undisputed Material Facts, (3) Notice of Filing in Support of Motion for Summary Judgment, (4) Affidavit of Sue Pogue, and (5) Affidavit of Dr. Robert Bell. Defendant asks that the Court take these filings into consideration when ruling on this Motion, and hereby incorporates them into this motion as fully as if stated herein.

Respectfully submitted,

ROBERT E. COOPER, JR. ATTORNEY GENERAL AND REPORTER

s/ Jay C. Ballard

**Jay C. Ballard (#17242)** 

Assistant Attorney General Civil Litigation and State Services Division Post Office Box 20207 Nashville, Tennessee 37202 (615) 741-5031 jay.ballard@state.tn.us. Counsel for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify that on December 8, 2006 a copy of this Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt as follows: **James L. Harris**, Plaintiff's counsel. Parties may access this filing through the Court's electronic filing system.

s/ Jay C. Ballard

Jay C. Ballard (#17242)

Assistant Attorney General
Civil Litigation and State Services Division
Post Office Box 20207
Nashville, Tennessee 37202
(615) 741-5031
jay.ballard@state.tn.us.
Counsel for Defendant